

Mr. STIRLING called for the ayes and nays, which were ordered.

The question being then taken, by yeas and nays, it resulted—yeas 39, nays 13—as follows:

*Yeas*—Messrs. Baker, Clarke, Cunningham, Daniel, Farrow, Galloway, Greene, Henkle, Hopkins, Hopper, Horsey, Jones of Cecil, Jones of Somerset, King, Larsh, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Robinette, Russell, Schlosser, Scott, Smith of Carroll, Smith of Worcester, Sneary, Swope, Sykes, Thomas, Todd, Valliant, Wooden—39.

*Nays*—Messrs. Abbott, Annan, Brown, Cushing, Davis of Washington, Duvall, Ecker, Harwood, Hebb, Keefer, Stirling, Stockbridge, Wickard—13.

Pending the call of the yeas and nays, the following explanations were made by members as their names were called:

Mr. ABBOTT. I should be very happy to accommodate my friend from Carroll, (Mr. Todd,) but I cannot vote for this order as it now stands. I therefore vote "no."

Mr. THOMAS. In explanation of my vote, I desire to say that I consider this as a mere question of reference to a proper committee. An order was offered some time ago by my friend from Prince George's, (Mr. Belt,) which the Convention refused to refer to a committee. I vote for the reference of this order, because I do not think it pledges me to any course of action on the subject. I shall consider myself free to vote as I please on the question when it comes up for consideration. Like my colleague, I am pledged to vote against negro apprenticeship, and when the question comes up I shall vote against it. But I vote "aye" on the mere question of reference.

Mr. VALLIANT. The remarks submitted by the gentleman from Baltimore city, (Mr. Thomas,) just now, are an explanation of my vote. I think it is but due courtesy to the gentleman from Caroline, (Mr. Todd,) to refer this order. But in so voting I do not commit myself to any system of negro apprenticeship, and particularly such a system as would carry with it the idea of a continuance of slavery in this State.

The order was accordingly referred.

#### DECLARATION OF RIGHTS.

The Convention then resumed the consideration of the order of the day, being the report of the Committee on the Declaration of Rights, which was on its second reading.

Mr. JONES, of Somerset. I believe we have passed through all the articles of the bill of rights, as reported by the committee, with the exception of the fourth and twenty-third articles; and I presume it is not intended, with so thin a house as this, to proceed with the consideration of those articles at the present time. I desire, therefore, to offer an additional article.

The CHAIRMAN, (Mr. Scott.) The decision of the President of this Convention was that no additional articles could be offered until the Convention had concluded the second reading of all the articles reported by the Committee.

Mr. JONES, of Somerset. Those articles can be considered as gone through with for the time being.

Mr. HEBB. I would suggest that there is nothing before the Convention, until we have some article before us for consideration.

Mr. CUSHING. I understood yesterday that to-day any amendments to the bill of rights would be allowed to come in.

The CHAIRMAN. That seems rather in conflict with the decision of the President made some days back.

Mr. CUSHING. The Chair has the privilege of revising its own decision.

The CHAIRMAN. I should not like to reverse the decision of the permanent presiding officer of this body. It is within the discretion of the Convention to proceed to consider either the fourth or the twenty-third article.

Mr. STOCKBRIDGE. The Convention can do almost anything by general consent. If no objection is made, the gentleman from Somerset, (Mr. Jones,) can offer an additional article.

The CHAIRMAN. If no objection be made, the proposition of the gentleman from Somerset will be entertained.

Mr. JONES, of Somerset. I move to amend this report of the Committee on the Declaration of Rights, by the addition of the following as article 45:

"Article 45. That every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty, and no law shall ever be passed to curtail, abridge or restrain the liberty of speech or of the press."

Mr. Chairman: I confess that I was somewhat surprised at the vote upon the amendment offered yesterday, to add a word or two to the twenty-ninth article of this bill of rights. I was aware that there were a few States that had not considered it necessary or important to insert among the rights retained by the people, and which are not to be interfered with by the Legislature, the right of freedom of speech, although I was very sure that a very large majority of the States had expressly inserted such an article in their bills of rights. And I also felt very sure that in those States, where such an article had not been deemed important enough to be inserted, it was omitted upon the ground that it was so patent, plain and palpable a right, so inseparable from any idea of free government, that no special reservation of it was necessary, and no omission of that reservation could possibly be construed into any implication of right on the part of the Legislature to interfere with it. As Mr. Webster said, it